IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION(MAIN) NO. 256 OF 2006

1. Shri Ramchandra Bandodkar,
major of age, resident of
Escrivao Vaddo, Candolim,
Calangute-Goa.

2. Mrs. Rashmila Ramchandra
Bandodkar, wife of
Shri Ramchandra Bandodkar,
major of age, resident of
Escrivao Vaddo, Candolim,
Calangute-Goa.

3. Shri Gurudas Bandodkar,
major of age,
resident of Escrivao Vaddo,
Candolim, Calangute-Goa. ... Applicants

versus

Provident Fund Inspector,
Employees' Provident Funds
Organisation, Regional Office,
Goa, having his office at
Bhavishya Nidhi Bhavan,
24, Patto Plaza, Panaji-Goa. ... Respondent

Mr. A. V. Nigalye, Advocate for the Applicants.

CORAM : N. A. BRITTO, J.

DATE : 12TH JULY, 2006.

ORAL ORDER

Heard Mr. A. V. Nigalye, the learned Counsel on behalf of the applicants.

2. The applicants are the accused against whom the learned J.M.F.C., Mapusa has ordered process to be issued under Section 14(A) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. An order against issuance of process is revisable by the Court of Session as well as by this Court. In other words, an ordinary remedy by way of revision is available to the applicants who are the accused.

3. The learned Counsel Mr. Nigalye submits that a petition under Section 482 of the Code(Code of Criminal Procedure, 1973) can also be entertained by this Court. There can be no quarrel with that proposition. The question is not one of lack of jurisdiction but one of self imposed limitation in that this Court will not exercise extraordinary jurisdiction under Section 482 of the Code when ordinary jurisdiction by way of revision is available to an accused. Considering the ratio of the

decisions of this Court in the case of **Dr. Mohan N. Bhawe** v. M/s. Travel Force(unreported decision dated 6-4-2005) in Criminal Miscellaneous Application No.52 of 2005 and that of B. K. Jain and others(05 2 Bom. C. R. Cri. 738) the applicant is directed to pursue his ordinary remedy by way of revision before the Court of Session. The petition/application, therefore, shall be returned to the applicants and they shall be at liberty to present the same before the Court of Session. In case the application is presented within a period of 15 days after the same is returned to the applicant the learned Sessions Judge shall dispose of the same as expeditiously as possible and in accordance with law.

2. With the above observations, the application is disposed of with liberty as aforesaid.

N. A. BRITTO, J.

RD